

Rehearing
77-4(R)

STATE OF NEW HAMPSHIRE

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AMERICAN FEDERATION OF STATE, :
COUNTY AND MUNICIPAL EMPLOYEES, :
AFL-CIO :
Petitioner :
v. :
NASHUA SCHOOL DISTRICT :
(Custodial and Janitorial Staff) :
Respondent :
:

CASE NO. A-0424:1 (A)

APPEARANCES

Representing AFSCME:

William McDonough, Executive Director

Representing the Nashua School District:

H. Philip Howorth, Esq., Corporation Counsel
Dr. Berard Masse, Superintendent
Richard McCann, Business Administrator

BACKGROUND

On September 20, 1977, PELRB issued a decision and order to the Nashua School District and Local #365, AFSCME, to conduct good faith negotiations on all matters of mutual interest as a result of unfair labor practice charges filed by AFSCME on June 10, 1977.

The unit was certified on April 22, 1977 and the City felt they were under no obligation to negotiate with AFSCME as the unit had been certified less than 120 days prior to the budget submission date. They, however, were prepared to negotiate for a contract to commence July 1, 1978.

Rehearing was held on October 19, 1977 in the 3rd floor conference room of the James Hayes Safety Building, Hazen Drive, Concord with all parties represented. The parties agreed prior to the start of the hearing that although a quorum of the Board was not present, they would proceed with Chairman Haseltine and Board Member Cummings present to hear testimony on their motion for rehearing and clarification. The subject matter was later discussed and considered in open session at the next PELRB hearing with a quorum of the Board present.

BOARD CLARIFICATION

PELRB feels in this instance that because of the technicalities involved, the negotiations are a must for the contract year beginning July 1, 1978.

PELRB recognizes the problems which exist, however, it will not order negotiations for the 1977 contract year; they recommend, however that both parties agree to sit down and discuss negotiations. Bearing in mind that PELRB cannot order anyone to agree in negotiations.

The Board recognizes that the budgetary time has passed and even though attempts to negotiate had been made, it wasn't until the election was held and the unit certified that the requirement to negotiate under law takes effect.


EDWARD J. HASELTINE, Chairman
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 26th day of October, 1977